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**Publish date:**  
**2/9/2012**

**WQC number: 866-0328-WQC-1**

## Public Notice

**Closing Date:**  
**3/9/2012**

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This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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**Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits**

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Nally & Hamilton Enterprises, Inc.  
**Mailing Address:** P.O. Box 2323  
London, KY 40741  
**Contact Person:** \_\_\_\_\_  
**Telephone No:** (606) 878-1500  
**E Mail Address:** \_\_\_\_\_
2. **Consultant Name & Address:** Biological Systems Consultants, Inc., P.O. Box 54954, Lexington, 40555  
\_\_\_\_\_  
**Telephone No.** (859) 263-4142  
**E Mail Address:** shaun@biologicalsystemsconsultants.com
3. **Provide a brief description of the proposed activity and stream impact.**  
Construction of five hollow-fills, five embankment ponds, one drainage corridors, and one mine through area;  
4,060 linear feet of temporary impact for embankment ponds, drainage corridors and mine through area;  
1,774 linear feet of permanent impact for hollow-fills;  
0.19 acres of permanent wetland impact  
\_\_\_\_\_  
\_\_\_\_\_
4. **Project Location Information:**  
**County** LESLIE ; **USGS Quadrangle Name** HELTON  
**Nearest Community & Road Intersection:** HELTON; KY 421 & KY 2058  
**Longitude** 36.94482 **Latitude** -83.431202 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:**  
Collins Hollow, Edd Fork, Mill Hollow, unnamed tributaries to Big Branch and Trace Branch  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

SS#H2- 58 ac. SS#H6-83 ac.

SS#H3- 90 ac.

SS#H4- 45 ac.

SS#H5-64 ac.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

HF#2: 875 linear feet, permanent, intermittent / SS#H2: 356 linear feet, temporary, intermittent

HF#3: 608 linear feet, permanent, ephemeral / HF#3: 651 linear feet, permanent, intermittent

SS#H3: 310 linear feet, temporary, intermittent / HF#4: 831 linear feet, permanent, ephemeral

SS#H4: 263 linear feet, temporary, ephemeral / HF#5: 675 linear feet, permanent, intermittent

DC#5: 70 linear feet, temporary, intermittent / SS#H6: 420 linear feet, temporary, intermittent

HF#6: 420 linear feet, permanent, ephemeral / SS#H6: 418 linear feet, permanent, ephemeral

Mine Area 1: 40 linear feet, temporary, ephemeral

8. Provide the acreage of wetlands that would be impacted: 0.19 ac.

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the intersection of KY 421 and KY 2058 travel 1.5 miles southeast to project site

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No \_\_\_\_\_. If yes, indicate type of application:

NW 12 \_\_\_\_ NW 14 \_\_\_\_ NW 21 \_\_\_\_ NW 27 \_\_\_\_ NW 49 \_\_\_\_

NW 50 \_\_\_\_ Individual ☒

11. Provide the following permit numbers associated with this mining activity:  
SMCRA Permit No. 866-0328, KPDES No. Pending

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Figure 1. 401 map

Attachment: Scan disk copy of CWA Section 404 Individual Permit Mitigation Plan

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

Stephen Smith, Date: 1/3/2012  
If signed by applicant's agent, attach power of attorney

**SUBMIT APPLICATION AND ATTACHMENTS TO:**

**WQC COORDINATOR  
DIVISION OF MINE PERMITS  
#2 HUDSON HOLLOW  
FRANKFORT, KENTUCKY 40601**